

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
Wheeling**

**BRENT CLARK,**

Plaintiff,

v.

**Civil Action No. 5:21-CV-27**  
Judge Bailey

**UNITED STATES OF AMERICA,**

Defendant.

**ORDER**

Pending before this Court is plaintiff's Motion to Strike Defense's Supplemental Expert Witness Disclosure and Defense's Response to Plaintiff's Motion for Summary Judgment [Doc. 139], filed October 11, 2022. On October 25, 2022, defendant's filed their Response [Doc. 147]. On November 3, 2022, plaintiff filed a Reply to Defense Response to Plaintiff's Motion to Strike [Doc. 151].

In his Motion, plaintiff stated defendant's supplemental expert witness disclosure must be stricken because it violated the Court's scheduling order and the Federal Rules of Civil Procedure. [Doc. 139 at 4]. Because pretrial disclosures pursuant to Fed. R. Civ. P. 26(a)(3) are not due until November 21, 2022, defendant's supplement is timely. Accordingly, plaintiff's Motion to Strike Defense's Supplemental Expert Witness Disclosure and Defense's Response to Plaintiff's Motion for Summary Judgment [**Doc. 139**] is **DENIED**. Defendant is directed to file its Supplemental Expert Witness Disclosure, which is currently attached as an exhibit to its Response [Doc. 147-1].

It is so **ORDERED**.

The Clerk is directed to mail a copy of this Order to Plaintiff by certified mail, return receipted requested, to his last known address as reflected on the docket sheet and to transmit a copy to counsel of record.

**DATED:** November 3, 2022.



**JOHN PRESTON BAILEY**  
**UNITED STATES DISTRICT JUDGE**